

**REMARKS**

By this amendment, claims 1-24 are pending, in which no claims are canceled, currently amended, or newly presented. Claims 25-27 were previously withdrawn. No new matter is introduced.

The Office Action mailed December 07, 2005 provisionally rejected all pending claims under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of commonly owned *Marchand et al.* (US 6,947,532).

In response to the rejection, a terminal disclaimer in compliance with 37 C.F.R. §1.321 is submitted herewith, thereby rendering the rejection moot.

With regard to the duty to disclose information material to patentability under 37 CFR 1.56 (Office Action, Page 2, item 4), the Examiner's contention is simply erroneous. Applicants had brought US Patent Application Number 09/575,469 to the Examiner's attention in Applicants' Response dated Nov. 3, 2003 (page 3, ¶2). Moreover, US Patent Application Number 09/575,469 issued as US 6,947,532, which the Examiner now relies upon for the obviousness-type double patenting rejection. In view of these facts, Applicants do not understand Examiner's assertion that "[t]he examiner was not able to retrieve this application in time for this office action."

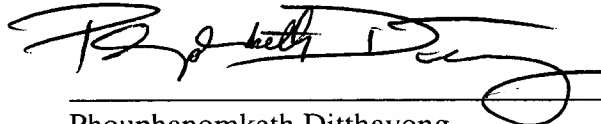
Applicants respectfully request that the Examiner exercise greater care in making a statement that potentially questions Applicants' recognized duty of candor in dealing with the USPTO.

Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 425-8508 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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1/9/06  
Date



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